

**Denying Gary Detweiller's
Appeal by Affirming the
Planning Commission's Approval
of Special Permit No. 05028**

(Appeal of Planning Commission Action)

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 05028

1 WHEREAS, Kendra Brock and Jeff Frederick have submitted an
2 application designated as Special Permit No. 05028 for authority to sell alcoholic
3 beverages for consumption on the premises generally located at The Bristo Ballroom,
4 2102 Adams Street, legally described as:

5 Lot 56, Irregular Tract, located in the Southeast Quarter of
6 Section 12, Township 10 North, Range 6 East of the 6th
7 P.M., Lancaster County, Nebraska; and

8 WHEREAS, the Lincoln City-Lancaster County Planning Commission held
9 a public hearing on June 22, 2005 and approved Special Permit No. 05028 under the
10 provisions of Section 27.63.680 of the Lincoln Municipal Code upon condition that
11 operation of said licensed premises be in strict compliance with said application, the site
12 plan, and the following additional express terms, conditions, and requirements:

13 1. This permit approves the sale of alcohol for consumption on the
14 premises as designated on the site plan.

15 2. Before receiving building permits:

16 a. The Permittee must submit the six copies of a revised site
17 plan that includes a parking and access plan and a drainage

1 plan approved by the Public Works & Utilities Department to
2 the Planning Department for review and approval.

3 . b. The Permittee must submit an ownership certificate
4 prepared and signed by an attorney, title company, or
5 abstractor. It must include the legal description of the
6 subject property.

7 c. The construction plans must comply with the approved
8 plans.

9 3. Before the sale of alcohol for consumption on the premises, all
10 development and construction must conform to the approved plans.

11 4. The site plan approved by this permit shall be the basis for all
12 interpretations of setbacks, yards, locations of buildings, location of parking and
13 circulation elements, and similar matters.

14 5. The terms, conditions, and requirements of this resolution shall be
15 binding and obligatory upon the Permittee, its successors, and assigns. The building
16 official shall report violations to the City Council which may revoke the special permit or
17 take such other action as may be necessary to gain compliance.

18 6. The Permittee shall sign and return the City's letter of acceptance
19 to the City Clerk within 30 days following approval of the special permit, provided,
20 however, said 30-day period may be extended up to six months by administrative
21 amendment. The City Clerk shall file a copy of the resolution approving the special
22 permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be
23 paid in advance by the Permittee.

1 WHEREAS, Gary Detweiler has appealed the action of the Lincoln City-
2 Lancaster County Planning Commission's approval of Special Permit 05028; and

3 WHEREAS, the real property adjacent to the area included within the site
4 plan for this permit to sell alcoholic beverages on the premises will not be adversely
5 affected; and

6 WHEREAS, said site plan together with the terms and conditions set forth
7 above are consistent with the intent and purpose of Title 27 of the Lincoln Municipal
8 Code to promote the public health, safety, and general welfare; and

9 WHEREAS, the final action of the Lincoln City-Lancaster County Planning
10 Commission approving Special Permit No. 05028 should be affirmed.

11 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
12 Lincoln, Nebraska:

13 That the action of the Lincoln City - Lancaster County Planning
14 Commission conditionally approving Special Permit No. 05028 be and the same is
15 hereby affirmed.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2005:

Mayor